

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

22-3-B. Administrative Enforcement: Agency Representation  
in Hearings and Negotiations

1. AUTHORITY.

a. To represent EPA in civil administrative penalty adjudications conducted under the Emergency Planning and Community Right-to-Know Act (EPCRA):

b. to negotiate consent agreements between the Agency and respondents resulting from such enforcement actions;

c. to initiate appeals from such administrative determinations, and represent the Agency in such appeals.

2. TO WHOM DELEGATED.

a. The authority in 1.b. is delegated to the Director, Land and Chemicals Division (LCD); Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ); and Director, Hazardous Site Cleanup Division (HSCD).

b. The authorities in 1.a., 1.b. and 1.c. are delegated to the Regional Counsel.

3. LIMITATIONS.

a. Once the alleged violator files an answer, or fails to file an answer in the specified time period, the person representing EPA in the proceeding must be an Office of Enforcement and Compliance Assurance or Office of Regional Counsel attorney.

b. Designees other than Regional Counsel must consult with the Regional Counsel or his/her designee and the Assistant Administrator for Enforcement and Compliance Assurance or her/her designee prior to deciding whether to appeal an adverse administrative decision.

c. The Director OECEJ may exercise this authority only in multi-media cases.

d. The Director OECEJ must consult with the LCD and/or HSCD designee as appropriate before exercising this authority.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

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5. ADDITIONAL REFERENCES.

a. EPCRA, Section 325.

b. The Assistant Administrator for Enforcement and Compliance Assurance or designee must consult with the Regional Administrator or designee and notify the Assistant Administrator for Prevention, Pesticides and Toxic Substances or designee prior to initiating an appeal.

6. SUPERSESSSION. Delegations Manual, EPCRA, Regional Delegation 22-3. Administrative Enforcement Actions, 1200 TN RIII-130 (November 9, 1998).

Date: 9/1/05

/s/ James W. Newsom for  
Donald S. Welsh  
Regional Administrator